

Remarks

Kindly note that we have cancelled the originally submitted claims 1 through 18 and have submitted new claims 19 through 43. The original claims were drawn more broadly to a "Bit Holder", whereas the newly submitted claims have been drawn more narrowly to the "Screw Driver". The claims have been amended to avoid among other objections double patenting.

Claim Rejections under 35 U.S.C. 112

Kindly note that the claim rejections raised by the Examiner in regard to the originally submitted claims are now moot and in any event the objections raised by the Examiner are not found in the newly submitted claims.

Claim Rejections under 35 U.S.C. 102

The Examiner has cited US Patent 6,490,955 by Chang-Kao et al filed April 15, 2001 titled Screw Driver Shank With A Universal Joint. Kindly note that the present invention is a continuation in part of regularly filed application 09/983,567 which claimed priority from Provisional Application No.: 60/243,751 filed on October 30, 2000.

Kindly find enclosed an Affidavit sworn by the Applicant/Inventor Fern Beauchamp under 37 C.F.R. 1.131 setting out the facts of our application as well, providing evidence that the applicants in the present application have a date of invention in which they reduced this invention to practice on or before October 30, 2000. Therefore, we believe that Chang-Kao et al, US Patent 6,490,955 is improperly cited against us under 35 U.S.C. 102.

Claim Rejections under 35 U.S.C. 103

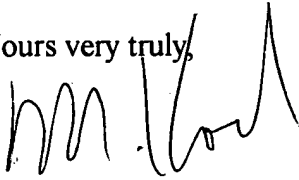
In light of the new claims submitted, namely 19 through 43, the claim rejection under 35 U.S.C. 103 is now moot. Kindly note that we have drawn the claims more specifically to a screw driver having a handle and detachable drill attachment, rather than the previously more broadly drawn claims to a bit holder. The newly drawn claims have been drafted in order to avoid duplication in claims.

Double Patenting

Please also find enclosed two Terminal Disclaimers in regard to the double patenting issue. The first Terminal Disclaimer is in regard to the second pending application 09/983,567 and the other co-pending application number 10/029,922. This should overcome the Examiner's concerns in regard to double patenting.

We submit that no new matter has been entered into this application with the claim amendments and look forward to receiving your reply, I remain.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Mark A. Koch', written over the closing 'Yours very truly,'.

Mark A. Koch

44,448

MAK:pf

Encl.

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